

# Exhibit 5

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION**

VIRTAMOVE, CORP.,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Case No. 7:24-cv-00033-DC-DTG

**JURY TRIAL DEMANDED**

**PLAINTIFF’S SUPPLEMENTAL OBJECTIONS AND RESPONSES TO  
DEFENDANT’S FIRST SET OF VENUE INTERROGATORIES (NOS. 1-4) AND  
RESPONSES TO DEFENDANT’S SECOND SET OF VENUE INTERROGATORIES  
(NO. 5)**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff VirtaMove Corp. (“VirtaMove”) corrects and supplements its responses to Defendant Google LLC’s (“Defendant” or “Google”) First Set of Venue Requests for Interrogatories on as follows:

VirtaMove’s responses are based on information known and available to it at the time of these responses. VirtaMove’s investigation in this matter is ongoing. Further, because all information and documents that are possibly within the scope of the Interrogatories may have yet to be located and/or identified, the development of VirtaMove’s contentions with respect to its claims and defenses is ongoing. VirtaMove reserves the right to assert additional objections to the Interrogatories and to modify and supplement its responses pursuant to Rule 26(e) of the Federal Rules of Civil Procedure.

VirtaMove’s responses to these Interrogatories are not to be construed as admissions that any of the requested information exists or that any contention or assumption contained in the Interrogatories, whether implicit or explicit, is correct.

VM\_GOOGLE\_0001128; VM\_GOOGLE\_0001181; VM\_GOOGLE\_0001182-  
VM\_GOOGLE\_0001185.

**REQUEST NO. 2:**

Identify the following Persons, the city and state in which they reside (current or last known), their title, role, responsibilities, and location of workplace, and a description of their knowledge as it relates to this Action:

- (a) All named inventors on the Asserted Patents and/or Related Patents;
- (b) All Persons with knowledge of the prosecution of the Asserted Patents and/or Related Patents;
- (c) All Persons with knowledge about the licensing of the Asserted Patents and/or Related Patents;
- (d) All Persons that You consider to be a likely or anticipated witness in this Action (whether a VirtaMove employee, a Third Party, or otherwise); and
- (e) All Persons with a financial interest in the outcome of this Action, and the type and amount of their financial interest, including but not limited to, any agreements reflecting such financial interest.

**RESPONSE TO REQUEST NO. 2:**

Incorporating the General Objections, above, VirtaMove additionally objects to this interrogatory as overbroad, unduly burdensome, irrelevant, and not proportional to the needs of the Google's motion. VirtaMove further objects to this Interrogatory as compound and containing multiple subparts. VirtaMove further objects to this interrogatory to the extent it seeks information in the possession of third parties and not VirtaMove. VirtaMove further objects to the extent this interrogatory seeks information protected from disclosure by the attorney-client privilege, work

product doctrine, common interest doctrine and/or any other applicable privilege. VirtaMove further objects that this interrogatory seeks information known to third parties outside of VirtaMove's possession, custody, or control. VirtaMove further objects that this request is overbroad and unduly burdensome because it seeks "All" Persons. VirtaMove objects that this request seeks attorney-client privileged information about its arrangement with counsel. VirtaMove objects that discovery into litigation funding, if it exists, is not discoverable.

Subject to and without waiving the foregoing objections, VirtaMove responds that the following individuals may have relevant knowledge to topics (a)-(e).

<b>Name</b>	<b>Last Known Location</b>	<b>Title/Relevance</b>
Bill Cullen	Massachusetts	Former CTO
Donna Grare	New York	Former VP of Product Development
Giovanni Boschi	Massachusetts	Former CTO
Mohammed Ahmed-Mushin	Ontario, Canada	Former Software Developer
Robert Wang	Ontario, Canada	Former Software Developer
Mark Woodward	Ontario, Canada	Former VP Development
Donn Rochette	Iowa	Named inventor
Paul O'Leary	Ontario, Canada	Named inventor
Dean Huffman	Ontario, Canada	Named inventor
Craig MacDonald	Washington	Former Senior Developer
Greg O'Connor	East Coast	Former President & CEO
Chuck Colford	Ontario, Canada	Former CEO
Ron Warburton	Ontario, Canada	Former Interim CEO and Board Member
David Roth	Texas	Former CEO
Nigel Stokes	Ontario, Canada	VirtaMove CEO
Cedric Burgins	Ontario, Canada	VirtaMove Director of Technology
Emanuel Sousa	Ontario, Canada	VirtaMove Senior Technical Specialist
Susan Cameron	Ontario, Canada	VirtaMove Office Manager
Steven Antonie	Ontario, Canada	VirtaMove IT Manager
Rich Gold	Massachusetts	Director of Sales
Adine Deford	Florida	Vice President of Marketing
Ernesto Benedito	Texas	Software Development Team Lead
Greg Feldman	Las Vegas, Nevada	Customer Advocate
Jose Roy	New Hampshire	Director of Business Development
Tracy Riser	Washington	Director of Business Development
Robert DelSignore	Massachusetts	Director Field Engineering

Ronnie Taylor	San Luis, CA	Software Developer
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**FIRST SUPPLEMENTAL RESPONSE TO REQUEST NO. 2 (SEPTEMBER 20, 2024):**

<b>Name</b>	<b>Last Known Location</b>	<b>Title/Relevance</b>
Bill Cullen	Cambridge, Massachusetts	Former <sup>1</sup> CTO; knowledge of past technology
Donna Grare	New York City Metropolitan Area, New York	Former VP of product development; knowledge of past product development, relevant to pre-suit marking dispute
Giovanni Boschi	Pepperell, Massachusetts	Former CTO; knowledge of past technical information of product, relevant to pre-suit marking dispute
Mohammed Ahmed-Mushin	Ottawa, Ontario, Canada	Former Software Developer; knowledge of past software operation of product, relevant to pre-suit marking dispute
Robert Wang	Ottawa, Ontario, Canada	Former Software Developer; knowledge of past software operation of product, relevant to pre-suit marking dispute
Mark Woodward	Kingston, Ontario, Canada	Former VP of Product Engineering; knowledge of past engineering of product, relevant to pre-suit marking dispute
Donn Rochette	Dayton Metropolitan Area, Ohio	Named inventor
Paul O'Leary	Ottawa, Ontario, Canada	Named inventor
Dean Huffman	Ottawa, Ontario, Canada	Named inventor
Craig MacDonald	Redmond, Washington	Former Senior Developer, knowledge of past development of product, related to pre-suit marking dispute
Greg O'Connor	Primarily Chilmack, Massachusetts with vacation home near Lake Tahoe, CA	Former President, general knowledge of company history.
Chuck Colford	Ottawa, Ontario, Canada	Former CEO, general knowledge of company history.
Ron Warburton	Ottawa, Ontario, Canada	Former Member of Board, general knowledge of company history.

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<sup>1</sup> Former may refer to work at VirtaMove or its predecessors AppZero and Trigence.

David Roth	Dallas, Texas	Former CEO, general knowledge of company history.
Nigel Stokes	Toronto, Ontario, Canada	VirtaMove CEO, general knowledge of information related to VirtaMove
Cedric Burgins	Ottawa, Ontario, Canada	VirtaMove Director of Technology, potential technical related to the operation of VirtaMove product, relevant to pre-suit marking dispute
Emanuel Sousa	Arnprior, Ontario, Canada	VirtaMove Senior Technical Specialist, potential technical related to the operation of VirtaMove product, relevant to pre-suit marking dispute
Susan Cameron	Ottawa, Ontario, Canada	VirtaMove manager, document custodian, topics related to business records
Steven Antoine	Ottawa, Ontario, Canada	VirtaMove IT Manager, topics related to business records.
Samantha Clarke	Freemont, CA	Former sales
Ernesto Benedito	Dallas/Fort Worth Metro, Texas	Former Software Development Team Lead
Greg Feldman	Henderson, Nevada	Former Customer Advocate
Rich Gold	Brookline, Massachusetts	Former Director of Sales
Adine Deford	Naples, Florida	Former Vice President of Marketing
Jose Roy	Greater Boston, Massachusetts	Former Director of Business Development
Tracy Riser	Greater Seattle Area, Washington	Former Director of Business Development
Robert DelSignore	Westwood, Massachusetts	Former Director Field Engineering
Ronnie Taylor	Pismo Beach, California	Former Software Developer
Teitelbaum & MacLean	Ottawa, Ontario, Canada	Knowledge of the Asserted or Related Patents
MBM Intellectual Property	Ottawa, Ontario, Canada	Knowledge of the Asserted or Related Patents
Alex Topitsch	Ajax, Ontario, Canada	Former VP Sales

VirtaMove further incorporates under Rule 33(d) Dkt. 78-30 from the IBM case 2:24-cv-00093 (E.D. Tex.), but VirtaMove contends that none of the Board members aside from Nigel Stokes are likely to attend trial. VirtaMove further incorporates under Rule 33(d) the asserted patents and

their file history that identify any other firms with knowledge of the Asserted Patents and Related Patents. VirtaMove further incorporates under Rule 33(d) the venue declarations of Colford, Estes, Huffman, O’Leary, Woodward, and O’Connor. VirtaMove further incorporates under Rule 33(d) the testimony and declaration of Vasetsky. According to TravelMath.com, the straight-line flight distance from Israel is shorter to Midland, Texas than to San Francisco, California.

**REQUEST NO. 3:**

Identify and describe all facts pertaining to the alleged connection between this Action and the Western District of Texas and/or the Northern District of California, if any, and all facts upon which You intend to rely in Your Response to Defendant’s Motion to Transfer Venue to the Northern District of California Under 28 U.S.C. 1404 (Dkts. 44-1, 48) or any re-filed motion to transfer venue, including any facts pertaining to whether it is easier for any individual You identified in response to Interrogatory No. 2 to travel to the Midland/Odessa Division compared to the Northern District of California.

**RESPONSE TO REQUEST NO. 3 (CORRECTED SEPT. 20, 2024):**

VirtaMove incorporates its General Objections, above. VirtaMove additionally objects to this interrogatory as overbroad, unduly burdensome, irrelevant, and not proportional to the needs of the case. VirtaMove further objects to this Interrogatory to the extent it is a premature contention interrogatory that purports to require VirtaMove to identify all facts or evidence with respect to a particular topic or issue in advance of the deadline set forth in the Scheduling Order. VirtaMove further objects to this Interrogatory as compound and containing multiple subparts. VirtaMove further objects to the extent this interrogatory seeks information protected from disclosure by the attorney-client privilege, work product doctrine, common interest doctrine and/or any other applicable privilege.

**CERTIFICATE OF SERVICE**

The undersigned certifies that on September 20, 2024 all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via electronic mail.

/s/ Reza Mirzaie  
Reza Mirzaie